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Arthur A. Schein

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KING & SPALDING LLP (CITI CUSTOMER NUMBER)

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EXAMINER

VIG, NARESH

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/737,754	<b>Applicant(s)</b> SCHEIN ET AL.	
	<b>Examiner</b> NARESH VIG	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21 and 23-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 and 23-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in reference to communication received 12 January 2009. Claims 21 and 23 – 52 pending for examination.

#### ***Response to Arguments***

Applicant's arguments and concerns are for amended claims which have been responded to in response to the pending claims.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21, 23 – 31, 33 – 38 and 40 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries.**

**Regarding claim 21**, MQSeries teaches a global communications network for use by a financial institution [MQSeries, page 33 – 51], comprising:

a plurality of distribution points for allowing an end user to send an electronic message or request [MQSeries, page 31];

an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex [MQSeries, page 31];

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:

complex electronic message or request comprises

a transfer message or request, or,

a package message or request; and

at least one service provider for processing the electronic message or request”, (inherently included in MQSeries) because MQSeries teaches transmission Queues [MQSeries, page 12] which are used as an intermediate step when sending messages to remote queues, and, it is a business choice to elect whether they want to implement their network as an intranet or an internet. In addition, MQSeries teaches capability for plurality of service provider like Checking Account Query, Distribution Pocess, Credit Application Manager, etc. which receiver message and provide service [MQSeries, page 34]

**Regarding claim 23**, MQSeries teaches concept wherein at least one first logical router directs the simple electronic message or request directly to the at least one service provider [MQSeries, page 21, 22, 25].

**Regarding claim 24**, MQSeries teaches concept wherein at least one first logical router directs the complex electronic message or request to at least one messaging services agent.

**Regarding claim 25**, MQSeries teaches concept wherein at least one messaging services agent processes the complex electronic message or request based on at least one of processing scripts, workflow rules, data model rules, and business rules, and wherein the at least one messaging services agent directs the processed

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complex electronic message or request to at least one second logical router [MQSeries, page 25].

**Regarding claim 26**, MQSeries teaches concept wherein at least one second logical router (Transmit Queue) [MQSeries, page 5] directs each processed electronic message or request based on routing criteria developed from at least one of data partitioning to at least one service provider (remote computers) [MQSeries, page 31].

**Regarding claim 27**, MQSeries teaches concept wherein at least one second logical router directs the processed complex electronic message or request to at least one service provider (by using transmit queue, message can be transferred from MVS/ESA to AS/400 via RS/6000) [MQSeries, page 25, 31].

**Regarding claim 28**, MQSeries teaches concept wherein second logical router directs the processed complex electronic message or request based on routing criteria developed from at least one of data partitioning (reply received into MVB2 put in intermediate queue for MVB1) [MQSeries, page 31].

**Regarding claim 29**, MQSeries teaches concept wherein at least one messaging services agent (MVB2) decomposes the complex electronic message or request based on at least one processing scripts, business rules into a plurality of simple electronic messages and wherein the at least one messaging services agent

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(MVB4) directs the plurality of simple electronic messages or requests to at least one second logical router (queues between MVB4 and MVB5) [MQSeries, page 34].

**Regarding claim 30**, MQSeries teaches concept of a system journal for maintaining a log of the electronic message or request (messages remain physically on the disk file, until they are explicitly purged) [MQSeries, page 74].

**Regarding claim 31**, MQSeries teaches concept for at least two data centers, wherein each data center of the at least two data centers comprises at least one data storage device for storing data necessary to process the electronic message or request [MQSeries, page 31].

**Regarding claim 33**, MQSeries teaches concept wherein at least one distribution point of the plurality of distribution points is chosen from a group consisting of branch systems, remote delivery systems, customer service systems, point of sale systems, and office systems (shows branch to branch communication) [MQSeries, page 31].

**Regarding claim 34**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 8, 31]. MQSeries teaches concept for:

a branch router (unit of work 2 in Figure 3 on page 2, FEP in Figure 10 on page 30) in communication with the integration facility and a public network;

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at least one general service [MQSeries, page 30]; and  
a local area network in communication with the at least one general service [MQSeries, page 30] and the public network (TCP/IP protocol used in a public network like the internet) [MQSeries, page 31].

**Regarding claim 35**, MQSeries teaches concept wherein at least one general service can comprise investment consultant work stations (credit application manager) [MQSeries, page 34].

**Regarding claim 36**, MQSeries teaches a second distribution point of the plurality of distribution points [MQSeries, page 46]. MQSeries teaches concept for:  
a remote delivery router in communication with the integration facility (MVS Host) and the public network (TCP/IP protocol which is used in public network like internet) [MQSeries, page 31]; and

at least one remote device (RS/6000), wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet) [MQSeries, page 31].

**Regarding claim 37**, MQSeries teaches third distribution point of the plurality of distribution points (PS/2). MQSeries teaches concept wherein:



a point-of-service server (AS/400) in communication with the integration facility and a point-of-service network (communication between RS/6000 and AS/400) [MQSeries, page 31]; and

a terminal device (PS/2), wherein the terminal device is in communication with the point-of-service network (communication between RS/6000 and PS/2) [MQSeries, page 31].

**Regarding claim 38**, MQSeries teaches concept wherein point-of-service network is the public network (TCP/IP protocol which is used in public network like internet) [MQSeries, page 31].

**Regarding claim 40**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 31, 34]. MQSeries teaches concept wherein:

a point-of-service server in communication with the integration facility and a point-of-service network; and

a terminal device, wherein the terminal device is in communication with the point-of-service network, and wherein the terminal device comprises at least one of a magnetic strip reader or a key pad.

**Regarding claim 41**, MQSeries teaches concept wherein point-of service network is at least one of a public network (TCP/IP, protocol used in public network like internet) or a private network (SNA) [MQSeries, page 31].

**Regarding claim 42**, MQSeries teaches processing and routing an electronic message or request across a global communications network. MQSeries teaches:

receiving an electronic message or request from a distribution point (inquiry from MVB1) [MQSeries, page 34]

determining whether the electronic message or request is simple (MVB1) or complex (MVB4) [MQSeries, page 34];

routing a simple electronic message or request to at least one service provider (MVB1), or processing a complex message or request and routing the processed complex message or request to at least one service provider (MVB4) [MQSeries, page 34].

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the

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same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:

complex electronic message or request comprises

a transfer message or request, or,

a package message or request;

**Regarding claim 43**, MQSeries teaches concept wherein at least one service provider (remote computers) communicates with a data center (MVS host), and wherein the data center comprises at least one data storage device (inherently included in the host system) for storing data necessary to complete the simple electronic message (MBB1) or request and the complex message or request (MVB4) [MQSeries, page 34].

**Regarding claim 44**, MQSeries teaches concept wherein processing the complex message or request and routing the processed complex message or request (MVB4).

decomposing the complex message or request based on at least one of processing scripts (MVB4), into a plurality of simple messages or requests (B5, B6, B7) [MQSeries, page 34]; and

routing the plurality of simple messages or requests to the at least one service provider (MVB5, message to remote queue using transmit queue) where the plurality of simple messages are processed [MQSeries, page 34].

**Regarding claim 45**, MQSeries teaches capability for processing the complex message or request and routing the processed complex message or request, recomposing responses from the at least one service provider (MVB2) [MQSeries, page 34]; and

routing the recomposed responses to the distribution point (MVB1) [MQSeries, page 34].

**Regarding claim 46**, MQSeries teaches capability for routing the plurality of simple messages or requests [MQSeries, page 34], routing the each simple message or request of the plurality of simple messages or requests based on routing criteria developed from at least one of data partitioning (MVB2) [MQSeries, page 34].

**Regarding claim 47**, MQSeries teaches capability for routing the processed complex message or request to at least one service provider [MQSeries, page 30, 34], routing the complex message or request based on routing criteria developed from at least one of data partitioning (MVB4).

**Regarding claim 48**, MQSeries teaches concept for maintaining a log of the electronic messages or requests [MQSeries, page 74].

**Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries in view of Richards et al. US Patent 5,995,921 hereinafter known as Richards.**

**Regarding claim 32,** MQSeries teaches concept for:

a common interface by which the end user can send the electronic message or request.

MQSeries does not disclose audio and visual devices for interaction with the end user, and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language. However, Richards teaches audio (196) and visual (170) interfaces [Fig. 1], and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language (the interface may be adapted to receive queries in another target natural language such as Spanish, Italian, etc., by merely modifying lists 214, 215, 216 and the character string fields in list 218.) [col. 14, lines 15 – 49].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries by adopting teachings of Richards to provide an interface in which the user may use the system using words, phrases and terminology of the user's natural language, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a

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different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art

**Claim 39 and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries in view of Yanai et al. US Patent 5,544,347 hereinafter known as Richards.**

**Regarding claim 39**, MQSeries teaches first distribution point of the plurality of distribution points [MQSeries, page 31]. Applicant teaches “[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different cites in real time.” (data mirroring).

MQSeries teaches concept for:

a remote delivery router in communication with remote systems and a public network (Transmission Queue) [MQSeries, page 5];

at least one remote device (PS/2) [MQSeries, page 31], wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet), and wherein the remote device is computer modem (modem in PS/2 for TCP/IP connectivity to the public network).

MQSeries does not explicitly recite integration facility. However, Yanai teaches data mirroring [Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

**Regarding claim 49**, MQSeries teaches a communications network.

an integration facility for processing electronic messages or requests, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex (MVB1, MVB4) [MQSeries, page 34];

even though MQSeries does not explicitly recite the complex electronic message or request to comprise a transfer message or a package message. However, as currently claimed, complex electronic message or request comprising a transfer message or a package message is Non Functional.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify MQSeries and allow message content to be a complex electronic message or request to comprising a transfer message or a package message to be able to customize the solution for specific solution, apply a known technique to a

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known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

MQSeries teaches capability wherein:

complex electronic message or request comprises

a transfer message or request, or,

a package message or request;

at least one distribution point (MVB2) [MQSeries, page 34]

at least one financial transaction related service (Fig. 12) [MQSeries, page 34]

at least one service provider (plurality of hosts in the network) [MQSeries, page 31].

Applicant teaches “[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different cites in real time.” (data mirroring). MQSeries does not disclose integration facility. However, Yanai teaches data mirroring [Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other



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market forces if the variations would have been predictable to one of ordinary skill in the art

**Regarding claim 50**, MQSeries in view of Yanai teaches concept of office systems (plurality of computers) [MQSeries, page 31].

**Regarding claim 51**, MQSeries in view of Yanai teaches concept wherein financial transaction related service can be financial control services [MQSeries, page 34].

**Regarding claim 52**, MQSeries teaches concept wherein service provider is selected from a group consisting of gateways (obviously used in connecting 2 remote computers over the internet), product processors (host computers) and authorization engines [MQSeries, page 37].

### ***Conclusion***

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 26, 2009

/Naresh Vig/  
Primary Examiner, Art Unit 3629